



United States Department of Justice

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December 14, 2022

Via ECF

Honorable Christian F. Hummel
U.S. Magistrate Judge
Northern District of New York
Albany, NY 12207

Re: *United States v. Daniel Quintero*,
Case No. 1:22-mj-0088 (CFH)

Your Honor:

The government writes in opposition to defendant's request for permission to travel. *See* Dkt. 27.

On March 2, 2022, the defendant was charged by criminal complaint with one count of Receipt of Child Pornography, in violation of Title 18, United States Section 2522A(a)(2). *See* Dkt. 1. As alleged in the criminal complaint, over the course of nearly three years, the defendant was in receipt of hundreds of images of sexually explicit images and videos of children, most who appeared to be between the ages of 8-14. *See* Dkt. 1 at ¶¶ 6-8. At the March 10, 2022 detention hearing, the government moved for detention based on the defendant being both a risk of flight and a danger to the community. The Pretrial Services Report also recommended that the defendant be detained. *See* Dkt. 5. Over the government's objection, the Court issued an Order setting conditions of release for the defendant. *See* Dkt. 7. Those conditions included, *inter alia*, an electronic monitoring bracelet (Dkt. 7 at 7[v][i]), restricting travel to the Northern District of New York, unless approved by Pretrial Services or the Court (Dkt. 7 at 7[i]), not frequenting places where persons under 18 are likely to congregate (Dkt. 7 at 7[sc.3]), and must reasonably avoid and remove himself from situations in which he has any other form of contact with a minor (Dkt. 7 at 7[sc.4]). By letter dated December 9, 2022, the defendant requested "to travel for the holidays from December 22, 2022 through December 26, 2022 to his parent's home in Corpus Christi, Texas." Dkt. 27.

Despite Probation's representation to defense counsel that curfew and location monitoring will be in place during the visit, *see* Dkt. 27, the government strongly opposes the defendant's request for travel. Considering that the proposed trip to Texas is only four days, it is presumed that the defendant will be traveling by airplane. This would put the defendant in direct contact with children, as the multiple airports and planes that the defendant will have to frequent to get to Texas will undoubtedly be filled with children traveling for the holidays. *See* Aixa Diaz, *Away*

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from Home for the Holidays: AAA Expects Nearly 113 Million Americans Will Travel to End 2022, AAA NEWSROOM, Dec. 12, 2022, at <https://newsroom.aaa.com/2022/12/nearly-113-million-people-will-travel-from-december-23-to-january-2/> (estimating that 7.2 million Americans are expected to fly and that “[f]lights and airports will be packed this holiday season, reminiscent of pre-pandemic days”). A search for flights on Kayak.com from Albany International Airport to Corpus Christi International Airport for the proposed travel dates shows that all commercial flights would require two separate connecting flights (e.g., Albany to Philadelphia; Philadelphia to Dallas/Fort Worth; and Dallas/Fort Worth to Corpus Christi).¹ Therefore, for just one way of travel, the defendant would have to be on three separate planes and be in four separate airports. During this time, the defendant would undoubtedly be in close contact with children in airport terminals, including restrooms where children may be unaccompanied. The defendant would likely also be in close contact with children on the airplanes, with some of those children traveling alone. These situations would be in direct violation of the Court’s release conditions to refrain from frequenting places where children are likely to congregate. *See* Dkt. 7 at 7 [sc.3 & sc.4]). The government submits that Pretrial Services cannot engage in constant and comprehensive monitoring of the defendant in these crowded places frequented by children under 18.

The government is also concerned about the defendant’s potential flight across the border to Mexico. Corpus Christi, which borders the Gulf of Mexico, is approximately three hours by car to the United States/Mexican border. Considering that the defendant has indicated that while living in Texas, he frequently visited Mexico, *see* Dkt. 5 at 2, the defendant may have ties to individuals in that country.² Further, on December 5, 2022, the government emailed defense counsel indicating that based upon a review of the nearly one thousand images and videos of child pornography found on the defendant’s devices, the defendant’s estimated guideline range without early acceptance of responsibility is 135-168 months. This recent disclosure is certainly incentive for the defendant to flee the country.

For these reasons, the government opposes the defendant’s request for permission to travel. At the December 16, 2022 hearing, the government will be prepared to answer any questions the Court may have.

¹ Even if the defendant were to fly into larger airports near Corpus Christi like San Antonio or Dallas, a search on Kayak.com demonstrates he would have to take a connecting flight from Albany International Airport (e.g., Albany to Charlotte or Albany to Atlanta).

² Although the defendant has been living in similarly close proximity to the United States/Canadian border since his March 2022 release, there is no indication that he has traveled frequently to Canada. *See* Dkt. 5 at 2.

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Respectfully,

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Cc:

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